

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES WILBERT WALKER, JR.,)	
)	
Petitioner)	
)	
v.)	
)	CASE NO. CV05-BE-0150-S
BILLY MITCHEM, WARDEN, and)	
THE ATTORNEY GENERAL OF)	
THE STATE OF ALABAMA,)	
)	
Respondents)	

ORDER TO SHOW CAUSE

James Wilbert Walker, Jr., petitioner, is an inmate of the Alabama Penal System located at Limestone Correctional Facility. Petitioner has submitted to this court a petition for habeas corpus pursuant to 28 U.S.C. § 2254.

It is hereby ORDERED that the respondents appear and show cause in writing within twenty (20) days from the date of entry of this order why the relief requested by petitioner should not be granted. The answer or return furnished by respondents should provide a thorough discussion of all matters of fact and law relating to each of the issues or grounds raised by petitioner.

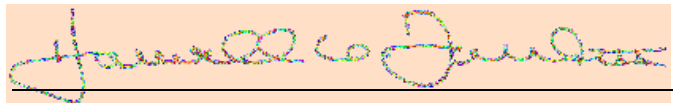
In the event the respondents contend that petitioner has not exhausted all available state remedies as to each of the claims raised in his petition, the question of exhaustion of state remedies should also be thoroughly discussed in respondents' answer. Respondents are

directed to set out in detail what efforts have been made by the petitioner to exhaust state remedies, wherein he has failed to exhaust state remedies, the state remedies available to him, the general procedure to be used to exhaust state remedies, and the appropriate court in which such remedies may be exhausted. The answer or return furnished by respondents should provide a thorough discussion of all matters of fact and law relating to each of the issues or grounds raised by petitioner. Any discussion of exhaustion must address whether any unexhausted claim would be procedurally barred if petitioner attempted to raise the claim in state court. In the event respondents contend that any claims of petitioner are barred from this court's consideration by a procedural default, respondents must include this contention in their answer.

Respondents shall furnish copies of any court records, briefs, transcripts, or other documents which may be pertinent to the matters discussed in their answer.

The clerk is DIRECTED to serve a copy of this order upon the petitioner. The clerk is further DIRECTED to serve a copy of this order and a copy of the petition upon the Attorney General of the State of Alabama, ATTENTION: CRIMINAL APPEALS DOCKET CLERK.

DONE this 1st day of February, 2005.

A handwritten signature in blue ink, appearing to read "Harwell G. Davis, III", is written over a light blue horizontal line.

HARWELL G. DAVIS, III
UNITED STATES MAGISTRATE JUDGE